

## Session 115 - (2003-2004)

### H 4565 General Bill, By Herbkersman, Bailey and Rice

#### **Summary:** Public-Private Education Facilities and Infrastructure Act

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5, CHAPTER 23, TITLE 59 SO AS TO ENACT THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2004; TO DEFINE CERTAIN TERMS; TO PROVIDE FOR THE PREREQUISITES FOR THE OPERATION OF A QUALIFYING PROJECT; TO PROVIDE THE INFORMATION THAT MUST ACCOMPANY A REQUEST FOR APPROVAL OF A QUALIFYING PROJECT BY THE RESPONSIBLE PUBLIC ENTITY; TO PROVIDE FOR THE APPROVAL PROCESS AND WHEN A RESPONSIBLE PUBLIC ENTITY MAY GRANT APPROVAL OF THE ACQUISITION; TO PROVIDE THAT A PUBLIC ENTITY MAY ENTER INTO SERVICE CONTRACTS; TO PROVIDE THAT A PRIVATE ENTITY REQUESTING APPROVAL FROM A RESPONSIBLE PUBLIC ENTITY SHALL NOTIFY EACH AFFECTED LOCAL JURISDICTION, WHICH MAY SUBMIT COMMENTS FOR THE RESPONSIBLE PUBLIC ENTITY'S CONSIDERATION; TO PROVIDE FOR WHEN A PUBLIC ENTITY MAY DEDICATE A PROPERTY INTEREST FOR PUBLIC USE IN A QUALIFYING PROJECT; TO PROVIDE THE POWERS AND DUTIES OF THE OPERATOR OF THE QUALIFYING PROJECT; TO PROVIDE FOR THE SPECIFICATIONS OF THE COMPREHENSIVE AGREEMENT BETWEEN THE OPERATOR AND THE RESPONSIBLE PUBLIC ENTITY; TO PROVIDE THAT THE RESPONSIBLE PUBLIC ENTITY MAY OBTAIN FEDERAL, STATE, OR LOCAL ASSISTANCE FOR A QUALIFYING PROJECT THAT SERVES THE PUBLIC PURPOSE; TO PROVIDE FOR REMEDIES IN THE EVENT OF A MATERIAL DEFAULT BY THE OPERATOR; TO PROVIDE WHEN THE RESPONSIBLE PUBLIC ENTITY MAY EXERCISE THE POWER OF CONDEMNATION; TO PROVIDE FOR WHEN THE QUALIFYING PROJECT CROSSES A UTILITY; TO PROVIDE THAT POLICE OFFICERS HAVE POWERS AND JURISDICTION WITHIN THE LIMITS OF THE QUALIFYING PROJECT; TO PROVIDE THAT THIS ARTICLE IS NOT A WAIVER OF SOVEREIGN IMMUNITY; TO PROVIDE THAT THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE AND GUIDELINES DEVELOPED PURSUANT TO IT AND OTHER BUILDING CODES DO NOT APPLY WHEN THE STATE IS THE RESPONSIBLE PUBLIC ENTITY; AND TO PROVIDE THE PROCEDURES ACCORDING TO WHICH A RESPONSIBLE PUBLIC ENTITY MAY ENTER INTO A COMPREHENSIVE AGREEMENT.

01/20/04	House	Introduced and read first time HJ-14
01/20/04	House	Referred to Committee on Education and Public Works HJ-15
04/22/04	House	Committee report: Favorable Education and Public Works HJ-18
04/28/04	House	Amended HJ-111
04/28/04	House	Debate interrupted HJ-112
04/28/04	House	Debate adjourned HJ-113
04/29/04	House	Requests for debate-Rep(s). Hamilton, Loftis, Haskins, Tripp, Vaughn, and Leach HJ-23
04/29/04	House	Requests for debate removed-Rep(s). Vaughn, Haskins, Leach, and Hamilton HJ-27
04/29/04	House	Read second time HJ-28
04/29/04	House	Unanimous consent for third reading on next legislative day HJ-28
04/30/04	House	Read third time and sent to Senate HJ-2
05/04/04	Senate	Introduced and read first time SJ-5
05/04/04	Senate	Referred to Committee on Education SJ-5